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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,251	06/27/2001	Johan Ericsson	10010845-1	5180

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

2672

DATE MAILED: 03/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,251

Applicant(s)

ERICSSON ET AL.

Examiner

Thu-Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The Examiner accepts the drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being unpatentable by Braun et al. (US patent no. 6,564,153).

Re claim 1, Braun discloses a graphical indicator for adjusting a value of a parameter to a target value (col. 13, lines 6-15) comprising target value indicia that represents a target value of the parameter and measured value indicia that represents a measured value of the parameter (col. 5, lines 43-54) wherein a change in a measured value of parameter relative to target value is represented by a first corresponding amount of movement of the measured value indicia relative to the target value indicia when measured value is within a first span of parameter values and a second corresponding amount of movement of the measured value indicia relative to the target value indicia when measured value is within a second span of parameter values (figs. 14-21 and 26-27) the second corresponding amount of movement being different than

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the first corresponding amount of movement (col. 9, line 54 to col. 10, line 45; figs 9-10).

In other words, Braun teaches experiments were performed to determine if the presence of heparin could be predicted. First, experiments were conducted to determine optimal error-correction backpropagation learning parameters: (1) hidden layer size, (2) learning rate, and (3) momentum. Additional experiments were also conducted to compare the performance of networks based on PT and APTT assays alone with that of one combining the results of both, the effect of the training error tolerance, and the decision boundary selection. In that figure 9, Braun discloses the effect of the hidden layer size on the training and cross validation error and the percent correct classification for the optimal decision boundary, defined as the decision boundary which yielded the lowest total number of false positives and false negatives from the total test set. As the hidden layer size is increased, the error is decreased. However, the ability to generalize does not increase after a hidden layer size of 6. The most significant benefit in terms of both error and percentage correct classification is between 4 and 6. A hidden layer size of 6 was used for the remainder of the experiments.

Re claims **2-3 and 12-13**, Braun discloses graphical indicator includes measurement span indicia that represents a span of parameter values capable of being represented by the graphical indicator and wherein measurement span indicia includes a first measurement span indicia portion in which an amount of change in the measured value of parameter relative to target value is represented by first corresponding amount of movement and a second measurement span indicia portion in which the amount of change in the measured value of parameter relative to target value is represented by

second corresponding amount of movement (col. 13, lines 1-49). In other words, Braun teaches the data results were examined graphically using receiver-operating curves (ROC). These graphs plot the true-positive proportion (number of positives detected divided by the total number of positives) versus the false-positive proportion (number of negative specimens incorrectly diagnosed as positive divided by the total number of negatives).

Re claims 4 and 17, Braun discloses first corresponding amount is greater than second corresponding amount of movement (col. 12, lines 10-43). Braun teaches data points on the ROC curves represent the proportion of true-positive and false-positive classifications at various decision boundaries. Optimum results are obtained as the true-positive proportion approaches 1.0 and the false-positive proportion approaches 0.0 (upper-left corner of graph).

Re claims 5 and 18, Braun discloses first corresponding amount of movement is greater than second corresponding amount of movement (col., lines).

Re claims 6-8, 16, and 19, Braun discloses first measurement span indicia portion comprises a linear measurement span indicia portion in which the first corresponding amount of movement is the same throughout the first measurement span indicia portion and second measurement span indicia portion comprises a non-linear measurement span indicia portion in which the second corresponding amount of movement differs at different locations in the second measurement span indicia portion (col. 5, lines 55-65; col. 12, lines 54-67; col. 15, lines 17-27). Braun teaches linear regressions using actual specific factor.

Re claims **9 and 20**, Braun discloses target value indicia are located in the center of first measurement span indicia portion (figs. 14-21 and 26-27).

Re claims **10 and 21**, Braun discloses measurement span indicia comprises a rectangular-shaped area on a display wherein target value indicia comprises at least one of a line representing a discrete target value or a region representing a range of acceptable target values (fig. 11).

Re claim **11**, Braun discloses boundary demarcation indicia to separate the first measurement span indicia portion and the second measurement span indicia portion (col. 9, lines 22-42). Braun teaches measures of sensitivity and specificity are shown for a complete range of decision boundaries.

Re claim **14**, Braun discloses a legend for providing information regarding the graphical indicator (figs. 8 and 10-11).

Re claim **15**, the limitations of claim 15 are identical to claims 1 and 6. Therefore, claim 15 is treated the same as discussed with respect to claims 1 and 6 above.

Re claims **22-26**, the limitations of claims 22-26 are identical to claims 1 and 6 except for the sensitivity. Therefore, claims 22-26 are treated the same as discussed with respect to claims 1 and 6 above. Braun teaches measures of sensitivity (col. 18, lines 20-40; col. 13, lines 29-49; col. 9, lines 21-42; fig. 30).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cox et al., US patent no. 5,930,369

Grieve et al., US patent no. 6,670,972

Mizuta, US Patent No. 6,674,185

Zizzamia, US Patent No. 5,893,072

Momose et al., US Patent No. 5,483,446

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

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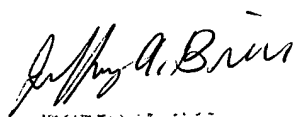
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan

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March 3, 2004


JEFFERY B. BRIER
PRIMARY EXAMINER